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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/909,023	08/11/97	KOJIMA	T SONY-P7698

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EXAMINER

ONWAKU, C

ART UNIT

PAPER NUMBER

2615

DATE MAILED:

03/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/909,023

Applicant(s)  
Kojima

Examiner  
Christopher Onuaku

Group Art Unit  
2615



☒ Responsive to communication(s) filed on Dec 29, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-32 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 12/29/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/909,023 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1&3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura (US 5,940,241) in view of Platte et al (US 6,128,148).

Regarding claim 1, Sasakura discloses in Fig. 1 & 2 an image signal recording system for recording image signals on a recording medium wherein prior to any recording is started, the

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recording system is initialized by the control means determining what tracks of the recording medium are recorded tracks and what tracks of the recording medium are not recorded tracks, and storing this information in a memory which is disposed in the system controller 9. The system controller 9 controls the recording means to record only on the tracks that have not been recorded, comprising recording means( see recording signal forming circuit 3, magnetic head 4, magnetic disc 5, head moving mechanism 6, and the spindle motor 7); the claimed process of inputting a start point and an end point of a desired "second" data wherein the second data is a portion of the first data (see the initializing process, the system controller 9 and col.4, line 46 to col.5, line 11); the claimed endless recording ( see col.5, lines 43-57; here, once the initializing process is completed and information on the positions of unrecorded tracks is stored in the memory which is disposed in the system controller 9, the system controller 9 controls the recording means to "record endlessly" on the unrecorded tracks of the recording medium); and the claimed control means ( see system controller 9; and col.4, line 46 to col.5, line 63).

Sasakura fails to disclose wherein the second data is a portion of the first data and overwrite a portion of first data in the record medium that excludes the second data. Platte et al teach a video recorder with digital processing of digitally coded video/audio signal with overwrite capability wherein protection against **unwanted overwriting** of already existing recordings (first data) is achieved in that a recording device always performs a comparison between the current tape position and the entries in the memory. Only when this comparison indicates no possible overwriting is then the recording function released. If, however, a possible overwrite is detected,

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then the recording function can be completely blocked (second data; here the portion of the original data determined not to be overwritten becomes the second data; moreover, it would have been obvious that any portion of the original data can be overwritten, if so desired) or only released after inquiry followed by confirmation. Controlling overwrite of recorded data provides the desirable advantage of protecting against unwanted overwriting of recorded data, which would cause loss of wanted data. It would have obvious to modify Sasakura by realizing Sasakura with overwrite capability, which includes overwrite prevention capability, since this provides the desirable advantage of protecting against unwanted overwriting of recorded data, which would cause loss of wanted data.

With Sasakura modified with Platte et al, it would have been obvious that Sasakura would disclose the claimed first and second data, input a start point and an end point of the desired second data, wherein the second data is a portion of first data, and during the process of endless recording of Sasakura, the second portion is prevented from being overwritten.

Regarding claim 3, Sasakura, now modified with Platte, discloses reproducing means for reproducing the "first" data recorded in the recording medium, wherein the start point and end point of the desired "second" data are input by input means from the "first" data reproduced by the reproducing means( see discussions of claim 1 above; and, col.4, lines 46-65; and col.5, line 64 to col.6, line 26).

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Regarding claim 4, Sasakura, now modified with Platte, discloses wherein the reproducing means reproduces the "first" data recorded in the recording medium after a passage of a predetermined period of time in order of recording the "first" data in the recording medium ( see col.6, line 17-26), here the "predetermined" period of time is the time it takes the reproducing means to skip data recorded in the "second" portion of the recording medium which make up part of the data recorded in the "first" portion.

Regarding claim 5, Sasakura, now modified wit Platte, discloses wherein the control means, when recording means is controlled so as to "endlessly-record" the data in the recording medium, "endless-records the "first" data in a "first" region of the recording medium, and when the start point and end point of the "second" data are input through the input means, controls the recording means so as to "endlessly-record" the "first 'data in the "first region while avoiding a predetermined "second" region of the recording medium(see claim I discussions and col.4, line 46 to col.5, line 63).

Regarding claim 6, Sasakura, now modified with Platte, discloses wherein the control means controls the recording means so as to record the "first 'data in a "first" region of the recording medium, and controls the recording means so as to generate assisting data for identifying the "first" data and record the assisting data in a "second" region different from the

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"first" region of the recording medium (see recording signal forming circuit 3, and system controller 9; and, col.3, line 46 to col.4, line 18).

5. Claims 2,7,9-14,16-21&23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura in view of Platte and further in view of Schuler ( US 5,532,830).

Regarding claim 2, Sasakura and Platte fail to explicitly claim wherein the recording medium is a recording medium capable of non-linear access. Schuler teaches in Fig. 1 an apparatus and method for dynamically composing stored source material for producing a composition sequence, the electronic data necessary to form the composition sequence comprising random access ( non-linear) storage means 15 which provides random access capability to Schuler (see col.5, line 49 to col.6, line 11). It would have been obvious to one of ordinary skill in the art to further modify Sasakura by realizing Sasakura with random access storage means, as taught by Schuler, in order to provide random access storage capability to Sasakura.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discuss of claims 3,4&6 above. Schuler further teaches generating assisting data corresponding to the start point and end point of "second" data ( see col.7, line 49 to col.8, line 33).

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Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 1 above, except for the reproducing means and non-linear accessing of recorded data. Sasakura, further discloses reproducing recorded data (see col.4, line 46 to col.6, line 26). Furthermore, Schuler teaches random access means (see Fig. 1 and storage means 15, col.5, line 49 to col.6, line 11).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claims 1&9 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claims 4&9 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&9 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 6&9 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 7&9 above.



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Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 1&9 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 3 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 4 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 5 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 7 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 9 above.

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Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 10 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 10&11 above.

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 12 above.

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 13 above.

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 14 above.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura in view of Platte and further in view of Shirakawa et al ( US 5,949,953).

Regarding claim 8, Sasakura discloses wherein the assisting data comprises time code see col.3, line 64 to col.4, line 6). Sasakura and Platte fail to disclose wherein the assisting data comprises a file name and a head address. Shirakawa, et al teach a disk media for recording a

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digital image and a method of and device for recording and playing back a digital image signal on or from such disk wherein recorded GOP, for example, are assigned header addresses to facilitate the location of the GOP in the recording device(-see col.32, lines 26-40, and col.34, line 66 to col.35, line 17), and GOP files are assigned file names to facilitate the identification of the GOP files( see col.38, line 54 to col.40, line 41). It would have been obvious to one of ordinary skill in the art to further modify Sasakura by assigning header addresses to the recording apparatus of Sasakura, as taught by Shirakawa, to facilitate the location of recorded data in the recording device, and assigning file name to the files of Sasakura, again, as taught by Shirakawa, in order to facilitate the identification of the data files in the recording apparatus of Sasakura.

7. Claims 15,22,30,31&32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura and Platte in view of Schuler and further in view of Shirakawa et al.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claims 8&9 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 8 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 15 above.

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Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 8 above.

Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claim 30 above.

Regarding claim 32, the claimed limitations of claim 32 are accommodated in the discussions of claim 15 above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyoshi et al (US 5,493,455) teach an apparatus for recording data with a tape cassette including memory, including overwrite protection of recorded data.

9. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**

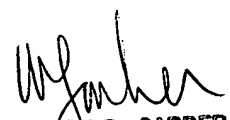
(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

  
COO

3/9/01

  
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